

PERMIT NO: WAG – 993000

Coverage Date:
Issuance Date: May 15, 2002
Effective Date: June 14, 2002
Expiration Date: June 14, 2007

**AQUATIC NOXIOUS WEED CONTROL
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE GENERAL PERMIT**

State of Washington
Department of Ecology
Olympia, Washington 98504-7600

In compliance with the provisions of
Chapter 90.48 Revised Code of Washington as amended
and
The federal Water Pollution Control Act as amended
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Until this permit expires, is modified or revoked, Permittees that have properly obtained coverage by this permit are authorized to discharge to waters of the state in accordance with the special and general conditions that follow.

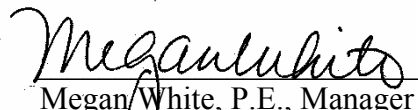

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Annual Monitoring Report	Annually	February 1, 2003
S3.B	Annual Treatment Reports	Annually	February 1, 2003
S3.F	Noncompliance Notification	As necessary	
S4.A.	Integrated Pest Management Plan (Marine emergents only)	Once	March 1, 2003
S4.A	Integrated Pest Management Plan Update (Marine emergents only)	Once	March 1, 2005
S4.B	Integrated Aquatic Vegetation Management Plan (lakes only)	As necessary	Third year of herbicide application to a lake
S2.A	Annual Monitoring Plan (optional)	Annually	March 1, 2003
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G8.	Notice of Permit Transfer	As necessary	
G15.	Notice of Change in Authorization	As necessary	
G18.	Application for Permit Renewal	1/permit cycle	December 15, 2006

PERMIT COVERAGE

C1. ACTIVITIES COVERED

This general permit shall cover all noxious and quarantine-list weed control activities that discharge herbicides directly into surface waters of the state of Washington. Persons conducting herbicide applications are required to be covered by the general permit for the following noxious weed control activities:

- 1) Into waterbodies that are contiguous with rivers, creeks, and lakes, or
- 2) Into navigable waters, or
- 3) In other situations as determined by the Department of Ecology (department).

Weed control activities with herbicides conducted on seasonally dry land surfaces where the bio-available active ingredient does not persist at time of water return are not required to be covered under this permit

C2. GEOGRAPHIC AREA COVERED

This general permit covers aquatic noxious weed control activities anywhere in the entire state of Washington. The specific areas where aquatic noxious weed control activities are covered are described by each request for inclusion under the coverage held by the government agency. Additional areas where noxious weeds are found and require control may be treated and shall be reported to the department.

C3. HOW COVERAGE CAN BE OBTAINED

1. For government agencies with existing Aquatic Noxious Weed Control Programs Requiring Coverage:

Notify the department by submitting a completed application for coverage no later than 90 days after the issuance date of this general permit. Coverage of a discharger under this permit will commence on the effective date of the permit unless the department responds otherwise in writing to the notification,

2. For government agencies which propose new aquatic noxious weed control programs after the effective date of this general permit and will be discharging herbicides directly into surface waters of the state of Washington:
 - a. Notify the department by submission of a completed application form requesting coverage under this permit at least 60 days prior to the planned activity that will result in the discharge to waters of the state.

- b. Publish twice in a local newspaper of general circulation or once in the state register a notice that an application for coverage has been made pursuant to Section 173-226-130(5) WAC. This notice shall specify the last day of the 30 day public comment period.
- c. At the end of the 30 day comment period, the department will accept the application and review all comments prior to making a determination on whether to grant permit coverage.
- d. The department intends to notify applicants by mail of their status concerning coverage under this permit. If the applicant does not receive notification of the coverage decision from the department, coverage under this permit will commence on the 31st day following the department's acceptance of an application form.

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Waste Discharges

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

Herbicide applications under this permit shall be for the control of listed noxious weeds and weeds on the quarantine list in aquatic environments. Noxious weeds are those species of plants listed as noxious Classes A, B, and C by the Washington State Noxious Weed Control Board in accordance with 17.10 RCW. The quarantine list is maintained by the Washington State Department of Agriculture (WSDA) in accordance with 17.24 RCW. Impact on nontarget plants is acceptable to the extent needed to control the target plants except as conditioned by Best Management Practices S6.

The lists may change as new information emerges. This permit allows treatment of weeds according to the listings at the time of herbicide application.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge the aquatic herbicides and associated adjuvants and marker dyes which are listed in this section into surface waters of the state subject to complying with Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and pesticide label and in consideration of integrated pest management options. Follow label directions and applicable state and federal laws and rules regarding pesticides.

The discharge of any of the following pollutants more frequently than, or at a level in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit. Only the formulations of the following herbicides and

adjuvants that have been approved through a state of Washington multi-agency sponsored State Environmental Policy Act (SEPA) shall be allowed.

- 2,4-D: 2,4-Dichlorophenoxyacetic acid, dimethylamine salt
- 2,4-D: 2,4-Dichlorophenoxyacetic acid, butoxyethyl ester
- Fluridone: 1-methyl-3-phenyl-5-[3-(trifluoromethyl)phenyl]-4(1H)-pyridinone
- Glyphosate: N-(phosphonomethyl)glycine, isopropylamine salt
- Endothall: Dipotassium salt of 7-oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid

The following pesticides may be used after the pesticide use is approved by Environmental Protection Agency (EPA) FIFRA and the SEPA process is completed.

- Triethylamine salt of 3,5,6-trichloro-2-pyridyloxyacetic acid [triclopyr]
- 2-(4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl)-3-pyridinecarboxylic acid [imazapyr]
- Dibromide 1,1'-ethylene-2,2'-bipyridylium dibromide salt [diquat]

The adjuvants that may be used for emergent weed control shall include R-11, X-77, LI-700 and other registered surfactants as they are approved by the SEPA process.

Food grade marker dyes may be used for marine and freshwater emergent control activities.

Other herbicides may be applied on a limited basis in the context of a research and development effort under the jurisdiction of WSDA through the issuance of a Washington State Experimental Use Permit. All other conditions of this permit apply as to appropriate monitoring and public notification procedures.

B. Temporary Water Quality Modification

The application of pesticides allowed by this permit to control noxious aquatic weeds are allowed so long as the conditions of this permit are satisfied and the transitory water quality impact is limited to the vicinity of the herbicide application and to the minimum time necessary to accomplish the desired aquatic pest control objectives.

The application of pesticides authorized by this permit shall not cause long term harm to the environment.

This temporary water quality modification is allowed throughout the permit term, but its effect shall be temporary in a specific location, although locations where it is in effect

may be widespread throughout the state anywhere noxious weeds are subject to control and eradication.

C. Specific Restrictions for Lakes

1. When an EPA label has restrictions and/or precautions for livestock watering and irrigation use, the applicator must notify those who withdraw surface water as their sole source of water for such use within a four hundred- (400) foot radius of the area to be treated. This statement must identify the herbicide(s) being used, the date(s) of expected treatment, and all water use restrictions and precautions. The area cannot be treated until people who withdraw water have been notified and alternative water supply is available and provided if requested by the affected water user(s).
2. Plants that are listed as rare or endangered shall not be negatively impacted by treatment of noxious weeds. The Washington State Department of Natural Resources shall be consulted prior to herbicide application when the waterbody to be treated is listed as containing a rare or endangered species of plant.
3. Glyphosate (Rodeo[®] and similar formulations)
 - a. LI-700 shall be used as the surfactant when treating with glyphosate.
 - b. The use of glyphosate shall be specifically limited to the freely floating, floating leaved, and emergent noxious weeds and extreme care should be taken not to adversely impact other vegetation.
4. Endothall (Aquathol K[®] and similar formulations)
 - a. Endothall shall not be applied within a four hundred (400) foot radius of the outlet stream. This condition shall apply only if there is an outflow.
 - b. The local habitat and/or fish biologist from the Washington State Department of Fish and Wildlife shall be notified at least fourteen days before endothall is applied to salmonid-bearing waters. Endothall shall not be applied to a waterbody when, in the opinion of the habitat and/or fish biologist, juvenile salmonids would be adversely impacted. The notification requirement will remain in effect until such time that the Washington Department of Fish and Wildlife develops site-specific timing windows for herbicide application. When and if Fish and Wildlife has approved site-specific timing windows, they may be used in lieu of the notification requirement.
5. 2,4-Dichlorophenoxyacetic acid, dimethylamine salt (DMA* 4IVM[®] and similar formulations) and 2,4-Dichlorophenoxyacetic acid, butoxyethyl ester (Navigate[®] and similar formulations).

The local habitat and/or fish biologist from the Washington State Department of Fish and Wildlife shall be notified at least fourteen days before 2,4-D is applied to salmonid-bearing waters. 2,4-D shall not be applied to a waterbody when, in the written opinion of the habitat and/or fish biologist, juvenile salmonids would be adversely impacted. The notification requirement will remain in effect until such time that the Washington Department of Fish and Wildlife develops site-specific timing windows for herbicide application. When and if Fish and Wildlife has approved site-specific timing windows, they may be used in lieu of the notification requirement.

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule, Beginning in the 2003 Treatment Season

The Permittee or its designee shall choose either option 1 or option 2 for satisfying the monitoring requirements of this section.

Option 1) Annual Monitoring Plan

The Permittee choosing this option shall submit a plan for monitoring a representative sampling of herbicide application sites during the upcoming noxious weed control season. The Permittee may participate in a group monitoring plan and implementation in lieu of an individual monitoring plan. The quantity of herbicides used in noxious weed control shall also be reported. Annual monitoring plans shall be submitted no later than March 1 of each year in order to satisfy this condition.

Monitoring of application sites selected and accepted in the monitoring plan shall be performed by the Permittee(s) to meet the following minimum sample points and timing and all other monitoring as stated in the monitoring plan. The annual monitoring plan shall be devised so that alternative methods of application, different types of treated locations, and concentration and transport of pesticides after application, relative pesticide persistence in the water column, and plant species surveys are measured in a representative sampling of applications over the life of this permit. Data from EPA-approved persistence studies may be included in the monitoring report but must be identified in the monitoring plan. Special studies of herbicide degradation and volatility may be performed to satisfy the monitoring requirement as directed by the department.

Option 2) Monitoring at Selected Sites

The Permittee choosing this option shall monitor all pesticide applications to sites where the total surface area of the water body and treatment exceeds ten acres, or for all whole lake herbicide applications, or herbicide applications near drinking and stock watering water withdrawal sites, or where native vegetation or threatened or endangered species are likely to be affected. Where there are no distant sample

points 100 feet from the application site located within the water, no distant sample point is required.

The herbicide(s) applied at the site shall be monitored according to the schedule below

Marine Emergent (Spartina) only

Category	Timing	Units	Sample Point	Sample Type
Receiving water	When rising tidewater reaches the site after passing through the treatment zone	ug/l	100 feet from application site	Areal composite of the perimeter

Freshwater Emergent (Loosestrife) only

Category	Timing	Units	Sample Point	Sample Type
Receiving water	Within 24 hours after initial application	ug/l	100 feet from application site	Areal composite of the perimeter

Lakes only

Category	Timing	Units	Sample Point	Sample Type
Receiving water within application site	According to the herbicide specific list below	ug/l	Within boundaries of the treatment site	Areal composite
Receiving water	Within 24 hours after completion of the application	ug/l	100 feet from application site	Areal composite of the perimeter
<p>2,4-D shall be monitored 5 days after initial application Fluridone shall be monitored 30 days after conclusion of application Endothall shall be monitored 5 days after initial application All other herbicides shall be monitored as specified in the final EIS</p> <p>A real composite means a composite sample of made up of aliquots from the surrounding waters.</p>				

Additional monitoring may be performed to meet other needs.

Adverse weather conditions, lack of daylight, and other relevant factors related to safety considerations may alter the timing of monitoring but not preclude the requirement that a minimum level of monitoring be performed. The burden of proof for establishing safety-related alterations to the monitoring schedule shall rest with the Permittee(s).

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), or the *EPA Solid Waste Test Methods* unless otherwise specified in this permit or approved in writing by the department.

Analyses for fluridone may be conducted at the SePRO Corporation laboratory and those results may substitute for the requirements in this section (S2B).

Analyses conducted using enzyme linked immunosorbent assay (ELISA) methods may substitute for the requirements in this section (S2B).

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the department shall constitute a violation of the terms and conditions of this permit.

A. Annual Reporting

Monitoring results shall be submitted annually. Monitoring results obtained during the previous calendar year shall be reported and be received no later than February 1 of the year following the completed monitoring period. The report shall be sent to the Department of Ecology, Water Quality Management Office, P.O. Box 47600, Olympia, Washington 98504-7600.

All laboratory reports providing data for herbicide concentrations shall include the following information: sampling date, sample location (waterbody name and location within the waterbody), date of analysis, parameter name, Chemical Abstract Service (CAS) number, analytical method/number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Monitoring reports must be submitted annually whether or not monitoring was required. If there was no discharge during a given monitoring period, submit the report with an explanation of why no monitoring was performed. [Monitoring reports for the 2002 treatment season must be submitted.]

B. Annual Treatment Reports

The Permittee shall keep complete application records on a report form. A summary of herbicide application records shall be submitted to the department no later than February 1 of each year.

C. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of five (5) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

D. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, the name of the waterbody and the exact location within the waterbody that the sample(s) were collected, the sampling methodology, and time of sampling or measurement; (2) the name of the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the laboratory or the name of the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

E. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's monitoring report.

F. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, and correct the problem
2. Immediately notify the department of the failure to comply.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. INTEGRATED PEST MANAGEMENT PLAN

A. Emergents Only

The Permittee shall submit a copy to the department of its Integrated Pest Management (IPM) Plan no later than March 1, 2003. The IPM Plan shall be implemented in all aquatic pest control activities engaged in by the Permittee. The Permittee shall consult with the department prior to finalization of the IPM Plan, adjust the IPM Plan in accordance with directions from the department, and resubmit the plan according to the direction of the department no later than January 1, 2004, or six months after written notification of a need for adjustment from the department, whichever occurs latest.

The Permittee shall update the IPM Plan after the 2004 treatment season and submit a copy of the updated IPM plan on or before March 1, 2005.

B. Lakes only

Integrated Aquatic Vegetation Management Plans (IAVMPs) shall be implemented when long-term or whole lake pesticide applications are desired for the control of noxious aquatic weeds. The schedule for developing the IAVMP is in S5, schedules of compliance.

The IAVMP shall be developed and approved/adopted by the sponsoring local lake group or homeowner's association and the department according to the guidance in *A Citizens Manual for Developing Integrated Aquatic Vegetation Management Plans* (Ecology Publication # 93-93) and the department's minimum requirements in Appendix C of the Fact Sheet. A copy of *A Citizens Manual (Guide) for Developing Integrated Aquatic Vegetation Management Plans* can be obtained from the department (360 407-7472) or the Internet at <http://www.ecy.wa.gov/biblio/93093.html> or <http://www.ecy.wa.gov/programs/wq/plants/management/manual/index.html>.

S5. COMPLIANCE SCHEDULE

Lakes Only

On or before the third year of herbicide application in a specific waterbody, the Permittee or its designee in cooperation with the department shall submit a copy of its Integrated Aquatic Vegetation Management Plan (IAVMP). The IAVMP shall thereafter be implemented in all aquatic pest control activities engaged in by the Permittee or designee. The IAVMP shall be adjusted in accordance with directions from the department and resubmitted to the department no later than six months after written notification of a need for adjustment from the department.

S6. BEST MANAGEMENT PRACTICES

The applicator shall comply with all pesticide label instructions. When application conditions in this permit issued by the department differ from those on pesticide labels, the more stringent of the two requirements must be complied with. However, no condition in this permit or any amended Order shall reduce the requirements on the pesticide label. All applicable federal, state, and local laws and ordinances shall be followed”.

A. Spartina Treatment Requirements:

1. Treatment of spartina shall occur only between the period of June 1 and October 31 of each year unless the department establishes additional treatment periods with the concurrence of the Washington State Departments of Agriculture and Fish and Wildlife.
2. A period of fourteen days between treatments is required prior to re-treating the previously treated area.
3. A treatment shall not be made when a tidal regime leaves the plants dry for less than four hours.
4. For control of spartina, a marker dye shall be used to mitigate for spray overlap and misses on sites larger than an acre.
5. Broadcast applications of herbicides shall not be made when the wind speed at the application site exceeds ten miles per hour. Wind speed shall be monitored and recorded periodically during the application of herbicide. A wind meter capable of detecting winds in excess of ten miles an hour shall be employed.
6. The applicator shall not cause recreational water use restrictions (i.e., restrictions on swimming or fish consumption) to occur during Memorial Day weekend, July 4th holiday, or Labor Day weekend.
7. Avoid treating *Zostera* sp. (eelgrass) by maintaining sufficient spray buffers, using the wiper method of application, altering timing of application relative to the tidal cycle, or other strategies.
8. Inspections shall be made of the application site immediately after each application, or on the incoming tide, and again between 14 days and 45 days after application. Any abnormalities shall be recorded by the applicator along with a description of any actions taken to correct the problems. Examples of such possible impacts include, but are not limited to: impacts on nontarget organisms, fish and shellfish kills, or pesticide drift beyond the targeted application area. Discovery of any abnormality shall be reported to the department within 48 hours of discovery.

B. Lake Treatment Requirements

Inspections shall be made of the application site immediately after each application. Any abnormalities shall be recorded by the applicator along with a description of any actions taken to correct the problems. Examples of such possible impacts include, but are not limited to: impacts on nontarget organisms, fish kills, or pesticide drift beyond the targeted application area. Discovery of any abnormality shall be reported to the department within 48 hours of discovery.

PUBLIC NOTICE PROCEDURES

P1. RESIDENTIAL AND BUSINESS NOTICE PROCEDURES:

A. Noxious Marine Emergent (Spartina) Control

The Permittee shall send a letter/flier to every residence within the United States Post Office Route along the waterbody where spartina is to be treated. The letter/flyer shall include the following information:

- The month (s) of treatment.
- The common name of the waterbody to be treated.
- The chemicals to be used.
- The names and phone numbers of the WSDA permit coordinator or contact, the department's twenty-four (24) hour Emergency number, and education information on spartina.

B. Noxious Freshwater Emergent Weed Control in Wetlands and Along the Shorelines of Rivers, Lakes, and Reservoirs

Anytime a portion of the treated area contains an easily publicly accessible area the following notification procedures must be complied with:

Public Notice – Applicator(s) shall notify adjacent residents prior to herbicide application. The notification may include the schedule for the whole season to avoid duplication. This notification may be provided through a copy of a notification form, letter, flyer or personal or telephone conversation to either the property owner or the renter/lessee. Notification should explain the project and explain that any treated areas will be flagged. The flagging may be biodegradable to avoid the applicator having to remove the flagging at the end of the treatment season.

C. Submersed, freely-floating, and floating leaved Noxious Weed Control in Lakes and Rivers

1. The applicator shall complete copies of the Herbicide Application - Residential and Business Notice form provided in Appendix E of the fact sheet. These forms shall

be sent to all residences and businesses within one-quarter ($\frac{1}{4}$) mile in each direction along the shoreline of the areas to be treated. No later than the day following distribution of the Herbicide Application - Residential and Business Notice, a copy and the date of distribution of the notice shall be mailed or faxed or e-mailed to the department contact identified in Appendix E of the fact sheet.

2. Notification shall take place ten (10) to twenty-one (21) days prior to initial treatment.
3. If the Herbicide Application - Residential and Business Notice explains the application schedule for the whole season, and there is no significant deviation from that plan, no further Herbicide Application - Residential and Business Notice will be required for the rest of the season (unless a resident or business specifically requests further notification).
4. Notice may be done by mail to residences or businesses, by newsletter, or by handbills given directly to the residences or businesses. If handbills are used, the applicator shall secure the notices to the residences or businesses doorknob in a fashion that will hold them in place but will not damage property. If the residence or business is gated or guarded by watchdogs, the applicator may secure the notice in clear view on the outside of the gateway or may attach the notice to the outside of the residence in a fashion that will hold it in place but will not damage property.
5. A copy of the notice and a list of locations or addresses where they were sent or delivered shall be kept by the applicator for seven (7) years and be hand delivered or mailed to the department immediately upon request.
6. When using glyphosate the applicator shall include a statement in the Herbicide Application - Residential and Business Notice informing residents and businesses of the one-quarter ($\frac{1}{4}$) mile and one-half ($\frac{1}{2}$) mile application restriction for potable water use.
7. A copy of the newsletter or handbill and its distribution list shall be kept by the applicator for seven (7) years and be hand delivered or mailed to the department immediately upon request.

P2. LEGAL NOTICE PROCEDURES

Noxious Marine Emergent (Spartina) Control

The Permittee shall publish a notice in the legal notices section of a local newspaper of general circulation (or nearest regional paper if a local paper does not exist) and/or in the State Register for the glyphosate application in each management area during the pending treatment season.

These legal notices shall be published at a frequency no less than once per month until the treatment season is completed. This notice shall include:

- The month(s) of treatment.
- The common name of the waterbody to be treated.
- Information on how locations of possible herbicide application sites can be obtained.
- The chemicals to be used.
- The names and phone numbers of the WSDA permit coordinator or contact, the department's twenty-four (24) hour Emergency number, and education information on the noxious weed.

P3. POSTING PROCEDURES:

A. Noxious Marine Emergent (Spartina) Control

The Permittee shall post all public access areas (as identified in the *Washington Public Shore Guide – Marine Waters*) within the treatment area prior to the beginning of the treatment season. Signs must face all normal access points to the area and be clearly readable by people using the access area.

The Permittee shall use good faith and reasonable effort to ensure that the posted signs remain in place during the treatment season. Signs shall be posted so they are secure from the normal effects of weather and water currents but cause no damage to private or public property. The Permittee shall be responsible for removal of all signs at the end of the treatment season.

B. Noxious Freshwater Emergent Control

1. Post signs no more than 48 hours prior to an application
 - a. If no portion of the treatment site contains a publicly accessible area, signs shall be posted at normal entry points and/or gates into the treatment site.
 - b. If a portion of the treatment area contains a publicly accessible area, then place signs within 25 feet of the shoreline facing both egress and entrance of any boat launch on the waterbody that is within ½ mile of any treatment site. Boat launches also include sites commonly used as put-ins and take-outs for small, non-trailerred watercraft. Check the Washington State Parks and Recreation Commission publication *Public Boating Facilities in Washington State*, 2nd edition, 1988, to identify public accesses. Reference copies of this publication are available through the Washington State Library, King County Library, Gonzaga University Library, and Washington State University Library.
2. The applicator(s) shall use good faith and reasonable effort to ensure that posted signs are secured and remain in place.

3. Signs shall be posted so they are secure from the normal effects of weather and water currents, but cause no damage to private or public property.
4. The applicator is responsible for removal of all signs at the end of the treatment season. Biodegradable sign material may be used so that removal is not necessary.
5. Post signs in English and the language, if other than English, commonly spoken by the community that uses the area.

C. Submersed, Freely Floating, or Floating-Leaved Noxious Weed Control in Lakes and Rivers

The applicator shall post all signs prior to the application of any pesticide(s), but no more than twenty-four (24) hours prior to application. The applicator shall use good faith and reasonable effort to ensure that posted signs remain in place until the end of the period of water use restrictions or forty-eight (48) hours for glyphosate (Rodeo®). The applicator shall be responsible for removal of all signs before the following treatment of the waterbody or before the end of the treatment season, whichever comes first.

When the EPA label restricts human consumption of fish, any posted signs or other forms of notification shall explicitly state that restriction.

Warning signs shall be posted in English and the language commonly spoken by the community who use the area.

1. Posting Shoreline Private Property Areas:

Signs shall be a minimum of eight and one-half (8½) by eleven (11) inches in size and be made of a durable weather-resistant material. Lettering shall be in bold black type with the word "WARNING" (or "CAUTION") at least one- (1) inch high and all other words at least a one-quarter- (¼) inch high.

- a) Signboard color for the first seasonal treatment of a waterbody shall be white, for the next treatment the sign board color shall be yellow, and the following treatment the signboard color shall be orange. The signboard color for the fourth treatment shall be white, the fifth yellow, the sixth orange, etc.
- b) Signs must face both the water and the shore and be placed on each private property within ten (10) feet of the shoreline adjacent to the treatment area(s). Where a private property shoreline is greater than one hundred-fifty (150) feet, the applicator shall post one sign for every one hundred (100) feet of shoreline. Signs shall be posted so they are secure from the normal effects of weather and water currents, but cause no damage to private or public property.
- c) When using pesticides with swimming and/or fish consumption restrictions or precautions, the applicator shall extend the zone of shoreline posting to include all property within four hundred (400) feet of the treatment area(s).

2. Posting Shoreline Public Access Areas:

Public access areas include: swim beaches, docks, and boat launches at resorts; privately-owned community access areas; and public access areas.

- a) Signs shall be a minimum of two (2) feet by three (3) feet in size and be made of a durable weather-resistant material. Lettering shall be in bold black type with the word "WARNING" (or "CAUTION") at least two (2) inches high and all other words at least a one-half- ($\frac{1}{2}$) inch high. The colors used for the signboard shall be white, yellow, or orange.
- b) Signs must face both the water and the shore and be placed within twenty-five (25) feet of the shoreline. Where the public access has a shoreline length greater than one hundred-fifty (150) feet, the applicator shall post one sign for every one hundred (100) feet of shoreline. The applicator shall place signs so they are clearly readable by people using the access areas. Signs shall be posted so they are secure from the normal effects of weather and water currents, but cause no damage to private or public property.
- c) An eight and one-half- ($8\frac{1}{2}$) by-eleven- (11) inch weather resistant map detailing the treatment areas for each herbicide used shall be attached to the sign. The map shall identify the location(s) of the pesticide(s) used and mark the reader's location at the public access site.
- d) These public notice signs shall be posted at all of the waterbody's public access areas within one-quarter ($\frac{1}{4}$) mile of the treatment area and all of the waterbody's public boat launches within one and one-half ($1\frac{1}{2}$) miles of the treatment area. NOTE: When using pesticides with swimming and/or fish consumption restrictions or precautions, the applicator's map shall include a four hundred- (400) foot buffer strip around the treatment area(s).

3. Posting on the Water:

- a) When the pesticide to be used does not have swimming and/or fish consumption restrictions or precautions, posting buoys on the water is not necessary. When the waterbody is less than one acre and/or less than two hundred (200) feet from the treatment area to the opposite shore, posting by buoys is not necessary. When the entire shoreline is restricted by one treatment, no buoys shall be required.
- b) When the pesticide has a swimming or fish restriction, the applicator shall use buoys or similar devices to mark treatment area boundaries on the water. Durable weather-resistant signs are to be attached to a buoy so they are readable from two opposing directions. The applicator shall position signs so they are completely out of the water. The signs must be at least eight and one-half- ($8\frac{1}{2}$) by-eleven (11) inches in size. Lettering shall be in bold black type and the

word "WARNING" (or "CAUTION") shall be at least one- (1) inch high and all other words shall be at least a one-quarter- ($\frac{1}{4}$) inch high. The colors used for the signboard shall be white, yellow, or orange.

- c) The applicator shall space buoys so there is one at each approximate corner of the treatment area and at one hundred- (100) foot intervals around the treatment area. Treatment areas of one hundred- (100) foot diameter or less shall be marked with one buoy in the center of the treatment or at one hundred- (100) foot intervals around the treatment area. The applicator shall place buoys so they form a minimum fifty- (50) foot buffer strip around the treatment area(s).

GENERAL CONDITIONS

GL.DISCHARGE VIOLATIONS

The Permittee shall at all times be responsible for continuous compliance with the terms and conditions of this general permit. The Permittee shall be responsible for compliance with any order, directive, or penalty issued by the department.

G2. PROPER OPERATION AND MAINTENANCE

The Permittee shall at all times properly operate and maintain any facilities or systems of control to achieve compliance with the terms and conditions of the general permit. Where design criteria have been established, the Permittee shall not allow flows or waste loadings to exceed approved design criteria or approved revisions thereto.

G3. RIGHT OF ENTRY

The Permittee shall allow an authorized representative of the department, upon the presentation of credentials and such other documents as may be required by law, at reasonable times:

- A. To enter upon the Permittee's premises in which an effluent source (discharge) is located or in which any records are required to be kept under the terms and conditions of this general permit;
- B. To have access to and to copy at reasonable costs, any records required to be kept under terms and conditions of the permit;
- C. To inspect any monitoring equipment or method of monitoring required in this general permit; and/or

- D. To sample any discharge of pollutants. If the sampling of influent or internal hatchery waters is necessary, the Permittee will be provided the opportunity to collect the required sample.

G4. NOTIFICATION OF CHANGE IN COVERED ACTIVITIES

The Permittee shall submit a new Application for Coverage to the department when facility expansions, production increases, or process modifications will (1) result in new or substantially increased discharges of pollutants or a change in the nature of the discharge of pollutants or (2) violate the terms and conditions of this general permit.

G5. REVOCATION OF COVERAGE

Pursuant to Chapter 43.21B RCW and Chapter 173-226 WAC, the Director may require any discharger authorized by this general permit to apply for and obtain coverage under an individual permit or another more specific and appropriate general permit. Cases where revocation of coverage may be required include, but are not limited to the following:

- A. Violation of any term or condition of this general permit.
- B. Obtaining coverage under this general permit by misrepresentation or failure to disclose fully all relevant facts.
- C. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- D. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- E. A determination that the permitted activity endangers human health or the environment, or significantly contributes to water quality standards violations.
- F. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and Chapter 173-224 WAC.
- G. Failure of the Permittee to satisfy the public notice requirements of WAC 173-226-130(5), when applicable.

Permittees who have their coverage revoked for cause according to WAC 173-226-240 may request temporary coverage under this permit during the time an individual permit is being developed, provided the request is made within 90 days from the time of revocation and is submitted along with a complete individual permit application form.

G6. GENERAL PERMIT MODIFICATION OR REVOCATION

General permits may be modified, or revoked and reissued, in accordance with the provisions of Chapter 43.21B RCW and Chapter 173-226 WAC. Grounds for modification or revocation and reissuance include, but are not limited to, the following:

- A. When a change that occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under this general permit.
- B. When effluent limitation guidelines or standards are promulgated pursuant to the FWPCA or Chapter 90.48 RCW for the category of dischargers covered under this general permit.
- C. When a water quality management plan containing requirements applicable to the category of dischargers covered under this general permit is approved.
- D. When information is obtained which indicates that cumulative effects on the environment from dischargers covered under this general permit are unacceptable.

G7. REPORTING A CAUSE FOR REVOCATION OF COVERAGE

A Permittee who knows or has reason to believe that any activity has occurred or will occur which would constitute cause for revocation under condition G7 or 40 CFR 122.62 shall report such information to the department so that a decision can be made on whether action to revoke coverage under this general permit will be required. The department may then require submission of a new Application for Coverage under this or another general permit or an application for an individual permit. Submission of a new application does not relieve the Permittee of the duty to comply with all the terms and conditions of the existing general permit until the new application for coverage has been approved.

G8. TRANSFER OF PERMIT COVERAGE

Coverage under this general permit is automatically transferred to a new discharger if:

- A. A written signed agreement between the old and new discharger containing a specific date for transfer of permit responsibility and coverage is submitted to the department; and
- B. The department does not notify the old and new discharger of its intent to revoke coverage under the general permit. If this notice is not given, the transfer is effective on the date specified in the written agreement between the old and new discharger.

G9. TOXIC POLLUTANTS

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in this general permit, the department shall institute proceedings to modify or revoke and reissue this general permit to conform to the new toxic effluent standard or prohibition.

G10. OTHER REQUIREMENTS OF TITLE 40 CODE OF FEDERAL REGULATIONS

All other applicable requirements of 40 CFR 122.41 and 122.42 are incorporated in this general permit by reference.

G11. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G12. ADDITIONAL MONITORING REQUIREMENTS

The department may establish specific monitoring requirements in addition to those contained in this general permit by administrative order or permit modification.

G13. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or pollution control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters. Such removed substances shall be lawfully disposed in an appropriate manner and shall comply with Chapter 173-303 WAC and Chapter 173-304 WAC.

G14. USE OF ACCREDITED LABORATORIES

All monitoring data, except for flow, temperature, settleable solids, total residual chlorine, conductivity, pH, and internal process control parameters, shall be prepared by a laboratory registered or accredited under the provisions of, Accreditation of Environmental Laboratories, Chapter 173-50 WAC. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. Soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for the analysis of these media by the department.

G15. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, the proprietor of a sole proprietorship, or ranking elected official.
- B. All reports required by this permit and other information requested by the department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of a regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2. above must be submitted to the department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiries of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

G16. REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER A GENERAL PERMIT

Any discharger authorized by this general permit may request to be excluded from coverage under this general permit by applying for an individual permit. The discharger shall submit to the Director an application as described in WAC 173-220-040 or WAC 173-216-070, whichever is applicable, with reasons supporting the request. The Director shall either issue an individual permit or deny the request with a statement explaining the reason for the denial.

G17. APPEALS

The terms and conditions of this general permit:

- A. As they apply to the appropriate class of dischargers are subject to appeal within thirty (30) days of issuance of this general permit in accordance with Chapter 43.21(B) RCW and Chapter 173-226 WAC; and
- B. As they apply to an individual discharger are subject to appeal in accordance with Chapter 43.21(B) RCW within thirty (30) days of the effective date of coverage of that discharger.

Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or non-applicability to that discharger. Appeal of this general permit coverage of an individual discharger shall not affect any other individual dischargers. If the terms and conditions of this general permit are found to be inapplicable to any discharger(s), the matter shall be remanded to the department for consideration of issuance of an individual permit or permits.

G18. DUTY TO REAPPLY

The Permittee shall reapply for coverage under this general permit at least one hundred and eighty (180) days prior to the specified expiration date of this general permit. An expired general permit continues in force and effect until a new general permit is issued or until the department cancels it. Only those facilities that reapply for coverage are covered under the continued permit.

G19. TERMINATION OF INDIVIDUAL PERMITS

Any previously issued individual permit shall remain in effect until terminated in writing by the department, except that extension of an expired individual permit (pursuant to WAC 173-220-180(5)) shall terminate upon coverage under this general permit.

G20. TERMINATION OF COVERAGE UPON ISSUANCE OF AN INDIVIDUAL PERMIT

When an individual permit is issued to a discharger otherwise subject to this general permit, the coverage under this general permit for that Permittee is terminated on the effective date of the individual permit.

G21. ENFORCEMENT

Any violation of the terms and conditions of this general permit, the state Water Pollution Control Act, and the federal Clean Water Act, will be subject to the enforcement sanctions, direct and indirect, as provided for in WAC 173-226-250.

G22. SEVERABILITY

The provisions of this general permit are severable, and if any provision of this general permit, or application of any provision of this general permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this general permit shall not be affected thereby.

G23. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the department.